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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,855	09/29/2003	Joseph D. Krawczyk	46000-0001	3712

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/673,855

**Applicant(s)**

KRAWCZYK ET AL.

**Examiner**

Joseph A. Fischetti

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 12-17, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

Claims 12-17,22,23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/14/05. Applicant maintains that claims 21-23 are linking claims, but this cannot be seen by the examiner. Claim 23 does not contain the specifics of claim 12 reciting dependent discs, and a truck with nose plate disc embracing arms nor does it recite the first and second carts in combination with a track. Claim 22 depends on claim 12 a nonelected invention.

Claim 23 is a separate and distinct invention apart from claim 1 and is withdrawn because applicant has made an affirmative election to proceed with Group I. Claim 23 cannot be grouped with Group I because it fails to recite interlocking first and second carts and a first track section. The restriction is made FINAL.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7-9,18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout in view of DiBartolomeo.

Armentrout discloses a method of positioning and securing product transport carts having a lock fitting (12) into a transport vehicle (truck or trailer col. 1 line 30) supported for travel on wheels and having a floor, side walls, a front end and an openable rear end (part of all trailers or trucks), to provide laterally spaced rows leaving an aisle between the opposing side walls (the connection of the carts to the side walls obviously leads to the formation of a space/aisle between the two side walls); the side walls having fore to aft spaced channel shaped track sections (10), said method comprising the steps of:

a. moving a first cart (1) to a position in which the lock fitting is connected to a first track section (fig. 2 shows cart 1 in position with lock fitting 12 connected to the first track section). However, Armentrout fails to disclose interlocking the first cart with a second cart intermediate the side wall and the aisle, thereby connecting the first and second carts together with at least the first cart connected to the side wall at the first track section.

However, DiBartolomeo discloses connecting carts to one another in as train-like manner which would place the interlocking between carts somewhere intermediate the side wall and the aisle 120. It would be obvious to modify the method of Armentrout to connect the carts 1,1' to each other in a train-like manner e.g. intermediate the side wall and the aisle the motivation for this would be the additional stability offered by a train-like connection between carts. Re claim 18, DiBartolomeo shows carts arranged to create bays 104 along each side wall of the vehicle.

Art Unit: 3627

Re claim 2: the step of detaching one cart from the other to remove one singularly is an old and obvious step.

Re claim 3: the powered lifting device 114 is read as a lift gate.

Re claim 4: posts with lead lines 4,4 project upwards and support the lock fittings 7/11.

Re claim 5: it is obvious to effect a train-like connection each cart needs to have at least one linkage to accomplish the train connection and the lock fitting 12 part of each cart 1 makes two.

Re claims 7/8: the product support is read as the floor supported by lower frame 2 and is supported by rollers 3,3; side walls 5,5 (lateral side opposite the opening) and a rear wall adjacent side wall, the locking mechanism is connected to one of the side walls and rear wall (see Fig 2 showing mounting plate 7 to the side wall).

Re claim 9: the second lock fitting is connected to the rear wall.

Re claim 20: col. 1 lines 20,21 of DiBartolomeo the carts are filled with parts or product stacks before loading and official notice is taken to the old and notorious practice of unloading a part of a cart while still on a truck, see old bottled milk delivery systems.

Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout in view of DiBartolomeo as set forth above and further in view of Nordstrom et al.

The above combination fails to disclose a second lock fitting which is also configured to connect the second cart to a track section. But, Nordstrom discloses a second lock fitting 13 which is also configured to connect the second cart to a track section 20

Art Unit: 3627

thereby securing the second cart to the side wall (it is noted that the longitudinally aligned openings in the connector 13 are read as the first fittings). It would be obvious to modify the method of Armentrout to include a connector on each of the carts which connects end to end to a cart and to the side wall track 20 as taught by Nordstrom et al., the motivation being the desirable effects of multiple point hold down connection.

Claims 10,11,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout in view of DiBartolomeo as set forth above and further in view of Shuert.

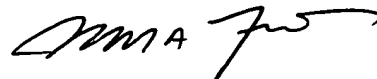
The above combination fails to disclose carts with at least one pallet having a dependent downwardly extending disc and providing at least one hand truck having a nose plate with disc-embracing arms and piloting it into a load receiving position under one of said pallets on the at least one cart; and moving said hand truck and nose plate to remove said pallet and product stack from said cart. However, Shuert does disclose such steps in that it shows a disc 40 (equivalent shape) and a hand truck plate disc embracing arms 50 which is piloted into a receiving position to remove the pallet. It would be obvious to modify the above combination to include the pallet removing step of Shuert the motivation being the further ease of removing/loading of product from the truck.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3627

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

Joseph A. Fischetti  
Primary Examiner  
Art Unit 3627

A handwritten signature in black ink, appearing to read "J A Fischetti", with a stylized flourish at the end.